



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the reissue application of:

Tsuyoshi SHIMA et al.

Patent No. 5,931,011

Issued: August 3, 1999

Serial Number: 09/925,887

Group Art Unit: 3744

Filed: August 3, 2001

Examiner: Jiang, Chen Wen

For: LOW TEMPERATURE STORAGE CABINET

**SUPPLEMENTAL DECLARATION FOR REISSUE
APPLICATION UNDER 37 C.F.R. 1.175(a)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Tsuyoshi SHIMA and Tomio SUYAMA, both citizens of Japan and having post office addresses of 1133-2, Yokota, Yokota-cho, Nita-gun, Shimane-ken and 551, Udani, Kisuki-cho, Ohara-gun, Shimane-ken, respectively, do hereby state and declare that:

1. We are the original first and joint inventors of the invention described in U.S. Patent No. 5,931,011, issued August 3, 1999, and described and claimed in the application for reissue patent filed herewith.

2. We have reviewed and understand the contents of the above identified reissue application for reissue patent, including the claim added therein.

3. We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations,

Section 1.56 (a).

4. We believe the U.S. Patent No. 5,931,011 is wholly or partly inoperative or invalid by reason of the patentees failing to claim more or less than the patentees had the right to claim in the patent and/or particularly point out and distinctly claim their invention. In particular, at least one error which serves as a basis for the instant reissue application is that the patentees claimed less than the patentees had the right to claim. Newly presented Claim 11 of the Reissue Application recites subject matter which addresses the at least one error. In particular, Claims 1-10 of U.S. Patent No. 5,931,011 each fail to recite the feature of the temperature inside of the cabinet being set to a predetermined standard value by the temperature setting means as provided for at column, 9, line 66 to column 10, line 3 of the patent. The approach taken by the patentees to correct this particular error is to present a new claim, i.e., Claim 11, reciting the feature omitted from Claims 1-10 of the patent. More particularly, new Claim 11 recites the temperature inside of the cabinet is set to a predetermined standard value, which is also referred to interchangeably within the patent as predetermined temperature, predetermined value, and standard inside temperature, by the temperature setting means as provided for at column 3, lines 10-46, column 5, lines 27-67, and column, 9, line 66 to column 10, line 3 of the patent. Yet another at least one error which serves as a basis for the instant reissue application is that the patentees claimed less than the patentees had a right to claim. Newly presented Claim 11 of the Reissue Application also recites subject matter which addresses said another at least one error. In particular, Claims 1-10 of U.S. Patent No. 5,931,011 each fail to recite that the compressor control means and fan control means are responsive when the inside

temperature of the cabinet either rises above or falls below the set predetermined standard value in order to restrain fluctuation of the inside temperature of the cabinet to prevent the preserved foods contained therein from either melting or freezing as well as to automatically reduce the consumption of electric power by the storage cabinet by either increasing or decreasing the rate of operation of the fan in the cabinet in accordance with a difference between the inside temperature of the cabinet and the predetermined standard value. Again, the predetermined standard value, which is also referred to interchangeably within the patent as predetermined temperature, predetermined value, and standard inside temperature, is defined or otherwise explain at, for example, column 3, lines 10-46, column 5, lines 27-67, and column, 9, line 66 to column 10, line 3 of the patent. The approach taken by the patentees in correcting this particular error is to present a new claim, i.e., Claim 11, reciting the feature omitted from Claims 1-10 of the patent. More particularly, Claim 11 recites that the compressor control means and fan control means are responsive when the inside temperature of the cabinet either rises above or falls below the set predetermined standard value in order to restrain fluctuation of the inside temperature of the cabinet to prevent the preserved foods contained therein from either melting or freezing as well as to automatically reduce the consumption of electric power by the storage cabinet by either increasing or decreasing the rate of operation of the fan in the cabinet in accordance with a difference between the inside temperature of the cabinet and the predetermined standard value. New Claim 11 corrects the another at least one error noted above.

5. Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intent on the part of the applicants.

6. We hereby appoint the firm of Arent Fox PLLC, Customer No. 004372, including the following attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith:

Charles M. Marmelstein, Reg. No. 25,895;
George E. Oram, Jr., Reg. No. 27,931; Richard
J. Berman, Reg. No. 39,107; Wilburn Chessser,
Reg. No. 41,668; Marylee Jenkins, Reg. No.
37,654; Chris Murphy, Reg. No. 39,786;
Rochelle K. Seide, Reg. No. 32,300; Murat
Ozgu, Reg. No. 44,275; Rhonda L. Barton, Reg.
No. 47,271.

7. All correspondences to be directed to ARENT FOX PLLC, of 1050 Connecticut Avenue NW, Suite 400, Washington D.C. 20036-5339, Telephone Number (202) 857-6000.

The undersigned declare further that all statements made herein are believed to be true and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

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Inventor's signature Tsuyoshi Shima Date November 17, 2005

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